

Social
Crime.

PRISON REFORM LEAFLET.

IMPRISONMENT FOR DEBT.

*Being an "Open Letter" to the Home
Secretary, together with the opinions of
some County Court Judges, etc.*

ONE PENNY

LONDON :
HUMANITARIAN LEAGUE, 53 CHANCERY LANE, W.C
1907.

*Printed by A. Bonner,
1 & 2 Tock's Court, London, E.C.*

NOTE.

The following "Open Letter" to the Home Secretary and the subsequent Resolution to the Lord Chancellor—both published in "The Times" and widely quoted or commented on in the provincial Press—have led to the question of imprisonment for debt being raised and discussed, on several occasions, in both Houses of Parliament.

On February 15th, 1907, the Lord Chancellor, speaking in the House of Lords, said that "in some County Courts—though he did not impugn the good faith of the Judges—the administration of the Debtors' Act had led to great hardships." Lord Ashbourne, Viscount Cross, and Lord James of Hereford also spoke against the present method of administering the law, and expressed the hope that the matter would be enquired into and the evils of the system remedied.

Several questions also have been put by Mr. Donald Maclean, Mr. W. P. Byles, Sir Samuel Scott, Bart., and on March 20th Mr. E. H. Pickersgill called attention to the large and constantly-increasing number of commitments to criminal prisons for debt by orders of the County Courts, and moved that the present powers of committal for non-payment of debt ought to be restricted. He was supported by Mr. Maclean and other Members, and the Solicitor-General, in winding up the debate, said that the

Government regarded very sympathetically the object which the mover of the motion had in view. Mr. Pickersgill's motion was agreed to without a division.

We may mention that all the opinions in this pamphlet, legal and otherwise, with one or two exceptions, have appeared since the publication of our "Open Letter." Disapproval of the present system has found utterance in many other quarters. Needless to say, we are perfectly satisfied with the progress of the movement.

JOSEPH COLLINSON.

Humanitarian League,
53, Chancery Lane, London.

IMPRISONMENT FOR DEBT.

OPEN LETTER TO THE HOME SECRETARY.

(From *The Times*, August 10th, 1906.)

Humanitarian League,
53, Chancery Lane.

To his Majesty's Secretary of State for
the Home Department :—

Sir,—We beg to call your attention to the subject of imprisonment for debt, in the hope that you will join in any movement to repeal or largely modify the provisions of the Debtors Act of 1869 (and the corresponding Irish Act of 1872), under which upwards of 11,000 debtors were imprisoned during the year 1905; and you will bear in mind that we have now no separate prisons for debtors, so that these debtors were imprisoned along with criminals and treated as criminals.

The objections to imprisonment for debt were recognised soon after the first Reform Bill, which gave the people a material influence in the House of Commons, and in 1832 the Criminal Law Commissioners reported that "imprisonment for debt is neither warranted in principle nor beneficial in practice." In 1834 a Bill for its abolition was introduced into the House of Commons, but was dropped for want of time; and in 1844 an Act was passed limiting imprisonment for judgment debts to those in which the debt amounted to £20 irrespective of costs. Unfortunately, this valuable restriction was swept away by the subsequent Acts of 1861 and 1869, and the greater part of the imprisonments

for debt of late years have been imprisonments of working men for debts which fall far short of £20.

The (English) Debtors Act consists of two parts—the former of which is headed “Abolition of Imprisonment for Debt,” while the latter is styled “Punishment of Fraudulent Debtors.”* It abolishes imprisonment for debt, where fraud is not proved, with six exceptions,† and it is chiefly to the last of these exceptions that we desire to call your attention, as it was under it that 11,000 persons—much the greater part of them working men—were actually imprisoned during the year 1905. It can hardly be said that this Act indicated any intention of extending the power of imprisonment for debt to persons who were previously exempt, but important portions of the Act of 1844 were repealed, and a new power of imprisonment was conferred on the County Court Judges, which, we think, had not been fully considered by either the Parliament or the country. Since 1869 a man may be imprisoned for a judgment debt of one shilling, and, in fact, debtors are often imprisoned for very small amounts; and the number of committals for debt has now reached a figure which, we believe, was never equalled in the worst times, though there are limits to its duration that did not then exist.

It is sometimes stated that the ground of these imprisonments is that the debtor has acted dishonestly in not paying the debt. If so, he should be allowed a fair trial, with the benefit of any reasonable doubt that may exist, and, as he is treated as a criminal, he ought to be allowed the same power of appealing to the Home Secretary as a criminal who complains of a

* With this latter part we do not seek to interfere, and we do not say one word in favour of the debtor, rich or poor, who can pay but will not.

† All these exceptions might be repealed or modified with advantage; but the sixth exception—the judgment-summons procedure—should be at once and finally abolished.

wrongful conviction or of an excessive sentence, while the Court should have the same power of liberating him under the First Offenders' Act, or otherwise moderating the severity of the law, as if he had been charged with a crime. Borrowing ten shillings under the present system may involve a heavier penalty than stealing it, provided that the thief is a person of previous good character and was in want at the time. But the allegation that the debtor is punished for dishonesty is a mere pretext. The statute, we apprehend, only requires proof that he was able to pay the debt of the summoning creditor, and did not pay it; and, however honest a man may be, if he has not money enough to pay all his debts he must leave some of them unpaid. Moreover, if the object was to punish the debtor for dishonesty, the statute would not have left it to the creditor to punish him or not as he thought fit, or have relieved him from all punishment on payment of the debt. The true object of the statute is not to punish the debtor, but to collect the debt. In many instances it is collected, but almost always, we believe, by the debtor borrowing the money or otherwise incurring new liabilities to an equal or greater amount. Such a change of creditors is, we submit, no gain to the public.

We desire to point out that the work done by debtors while in prison does not pay the expense of maintaining them there, and that the deficiency is made good by the ratepayers, who derive no benefit from the imprisonment; that during such imprisonment the wives and families of the imprisoned debtors are usually also supported by the rates or by private charity, or are driven to dishonest courses, which equally involve a loss to the public; that the debtor often loses his employment in consequence of his imprisonment, and becomes chargeable on the rates, or else incurs fresh liabilities of increased amount; and that the number of these judgment summonses to be heard at the County Court adds to the expense of maintaining these Courts, interferes with the speedy transaction

of their general business, and sometimes leads to sentences of imprisonment being passed after a very hurried and perfunctory hearing. We believe, further, that the system has led to an undue expansion of credit, such credit being often given solely in the expectation that some relative or friend of the debtor will pay the money in order to save him from imprisonment, if enough evidence can be given to satisfy a Judge who has a great number of similar applications waiting to be dealt with, as to his means to pay the debt. No similar system exists in Scotland,† nor do we believe that the credit system of England was injured by the large restrictions on imprisonment for debt which were introduced in 1844.

While we have thus dwelt at length on the provisions of the Act relating to judgment summonses, we are far from feeling satisfied with the other exceptions comprised in the Act, especially with that proviso which enables a person to be imprisoned for "default in payment of any sum recoverable summarily before a Justice or Justices of the Peace," without any evidence of the debtor's ability to pay. The debt in such cases is often really due to the ratepayers, who, in addition to losing the debt, have to bear the expense of maintaining in prison a man who is known to be unable to pay the debt out of his own resources.

JOSEPH COLLINSON, Hon. Secretary
Criminal Law and Prison Reform
Committee.

† In Scotland imprisonment for small shop debts was abolished so far back as 1835. In proportion to the population it is probably even more mercantile than England, yet they get on very well without it. There are no judgment-summonses and no imprisonments. The public is probably not aware that Scotland is called upon to pay her proportion of the expenses of maintaining several thousand debtors in English prisons, when England contributes nothing for any similar purpose in Scotland.

RESOLUTIONS.

(1) This Committee of the Humanitarian League desires to call the attention of the Lord Chancellor to the statement made in the London Press* that at Bow County Court alone over a thousand summonses had been proved during the present year by a debt-collector, most of the debts being too small to render it worth the creditors' while to attend in person or to employ a solicitor; and trusts that his lordship will express his strong disapproval of committals to prison in any case in which the debt has not been proved by the plaintiff in person or by his solicitor.

(2) This Committee of the Humanitarian League desires to express its hope that the Home Secretary will revise as soon as possible the Rules of 1898 relating to the treatment of debtors in prison, under which they are much worse off than first-class misdemeanants; and persons who are imprisoned under the exceptions to the Abolition of Imprisonment for Debt are practically treated in the same manner as those who are being punished as Fraudulent Debtors. We are of opinion that these Rules of 1898 almost wholly abolished the distinction between imprisonment for debt and imprisonment for crime, which the law had always observed up to that date, and which we think should be at once restored.

* *Daily Telegraph*, August 20th, 1906.

LEGAL OPINIONS.

HIS HONOUR JUDGE PARRY.

I have no doubt that a County Court Judge gets an exaggerated view of the evils of the indiscriminate credit given to the poor. They seem to paddle all their lives ankle-deep in debt, and never get a chance of walking the clean parapet of solvency. But that is because one sees only the seamy side of the debt-collecting world and knows nothing of the folk who pay without process. At the same time, the indiscriminate credit-giving, as practised in this district (Manchester), is an evil no one, I think, can doubt, and it seems strange that social reformers pay so little attention to the matter. The whole thing turns, of course, upon imprisonment for debt. Without imprisonment for debt there would be little credit given, except to persons of good character, and good character would be an asset. . . . One can only hope for the day when England will follow the example of other civilised countries, and at least do away with the judgment summons and imprisonment for debt. —(*From the Cornhill Magazine.*)

Judge Parry regards with dissatisfaction the large increase in judgment summonses issued to compel the payment of judgment debts by imprisonment. The system is in practice a system of collecting debts from the wage-earning class, and the wage-earning class only. It is, of course, incidentally used against small tradesmen and others, but the bulk of those against whom orders are made are working men. As the late Mr. Commissioner Kerr said in 1873, "the rich man makes a clean sweep of it and begins again, and the

poor man has a miserable debt hanging round his neck all his life." Unlike those of the kingdom of heaven, the gates of the Bankruptcy Court open only to the knock of the rich man. You must carry in your hand a ten-pound note or the high priest of bankruptcy will have nothing to say to you. . . . There can be no manner of doubt that in this matter of imprisonment for debt there is one law for the rich and another for the poor.—(*Manchester Guardian.*)

THE LATE JUDGE CARTON.

I have given from time to time some attention to this question of imprisonment for debt. Before the passing of the English Act of 1869, I read a paper advocating its abolition before the Statistical Society of Ireland. I was the draftsman of the Irish Act of 1872, and I have seen its working as already stated to a limited extent while at the Bar, and to a fairly large extent while upon the Bench. My opinions may be thus summarised:—(1) It was the intention of the Acts that imprisonment for debt, merely as such, should be abolished, and that imprisonment should only be retained as punishment for debts fraudulently or dishonestly contracted. (2) Imprisonment for debt as a punishment for debt fraudulently or dishonestly contracted ought to be retained as at present. (3) The Debtors Acts ought to be confined to the exceptions in Section 4 of the English Act of 1869 and the corresponding Section 5 of the Irish Act, 1872, as modified by 41 and 42 Vic., c. 54. (4) Except for the debts mentioned in these Sections all imprisonment for debt should be abolished.—(*Letter to the Humanitarian League.*)

HIS HONOUR JUDGE EMDEN.

Judge Emden said the power of imprisonment was never intended for cases of this description. There had been frequent movements, the latest of which was initiated by a correspondent (Mr. Joseph Collinson) of a London

daily paper, to do away with committals. Committals were useful; but they had been grossly abused to the detriment of the poor, and in this way had fallen into disrepute. When he first sat on his present circuit, ten years ago, it was nothing unusual for him to have 120 judgment summonses before him in one day. The defendants were generally men earning only from 14s. to 18s. a week with large families. Gradually he introduced a change, until he was able finally to announce that in no case where a man had a small salary and a large family would he grant a committal order.—(*Daily Chronicle*.)

HIS HONOUR JUDGE ORR.

I am strongly of opinion that the imprisonment of debtors should be wholly abolished. In my counties—Down and North Antrim—a large number of the defendants against whom orders under the Debtors Act are sought are mill operatives and artisans, and nearly all of them are very poor. One of the greatest difficulties I have found in administering the Act is that people of this class seldom attend, deterred, no doubt, partly by the expense, small as it is, of travelling to the Sessions town, and partly because to do so would involve the loss of a day's wages. Under such circumstances, it is well-nigh impossible to arrive at the true facts, but strict investigation has convinced me that in almost all the cases that come before me a committal order would simply mean consigning the bread winner of the family to gaol and the wife and children to the workhouse, and my belief is that in a large number of cases—perhaps the majority—the application is made either to put pressure on the debtor's friends to come forward and pay the debt, or to force people in respectable positions, such as mercantile clerks, school-teachers, and the like, to resort to any means to avoid exposure, thus driving them into the clutches of the money-lenders. I have, of course, come across some cases where a rogue has been forced to pay a

just debt by means of a committal order, but such cases are, in my experience, very rare, and I do not believe that I have made as many orders as I have been years on the Bench, though the applications have been innumerable. The majority of debtors do not pay simply because they cannot, and if imprisonment for debt were abolished it might lead to a restriction of giving credit which would be an advantage. I would also suggest that County Courts should be given the same powers of making garnishee orders and of appointing receivers by way of equitable execution which the High Court possesses, also that County Court decrees should be made capable of being registered as judgment mortgages, and that chattel interests in land should be capable of being seized under them as they can be under a High Court. If this were done I think debts would be easily recoverable in all cases where the debtor has any assets.*—
(*Letter to the Humanitarian League.*)

HIS HONOUR JUDGE SHAW.

I believe the present law as to committal of debtors for non-payment of instalments ordered by the Court is liable to great abuse, and is often used for the purpose of extorting payment from relatives or friends of the debtor. At the same time, I think it is sometimes useful in compelling payment by a dishonest debtor who has fraudulently denuded himself of his goods in order to avoid other forms of execution. Unless this law is administered with great care and discretion, it is undoubtedly harsh and injurious to the public interest. I have no doubt that its existence encourages an amount of credit which is injurious to both creditor and debtor. As the result of my experience I would be in favour of

* This is a very valuable contribution as to the working-man's side of the question. It will be noticed that his Honour advocates changes in the County Courts that might increase their efficiency in procuring payment of debt otherwise than by imprisonment.—J. C.

its total abolition, as I am sure its evil effects far outweigh any good it does. I would like, at the same time, to see the period of limitation for the recovery of debts reduced to two years, as, in my experience, the system of long credit works most injuriously to both debtor and creditor, and especially to the debtor.—(*Letter to the Humanitarian League.*)

HIS HONOUR JUDGE OWEN.

Judge Owen made some pungent remarks about the credit system, which sent so many cases into the County Court. He was, he said, sorry to see that there were 268 judgment summonses down for hearing. It had been said that imprisonment for debt in this country had been abolished, and the Debtors Act of 1869, under which these summonses were issued, was entitled "An Act for the abolition of imprisonment for debt." But, according to the last return, 11,066 persons in England and Wales were imprisoned in 1905 for not having paid debts which they had been ordered to pay by the Courts. He was glad to see that in his own circuit only fifteen persons were imprisoned in 1905, but that, in his opinion, was too large a number. The only remedy for this state of things, in his opinion, was to make the abolition of imprisonment for debt a reality by getting rid of the power to imprison on judgment summonses. The present system of credit-giving by retail tradesmen was largely the result of the County Court system and the power to commit under judgment summonses; and, if this power was taken away, he believed that the credit system for small debts would also go with it in a very short time. This, he thought, would be a benefit to both the retail tradesmen and to the working men themselves. This was not the first time he had called attention to this state of things. He hoped that those persons in Parliament and those out of it who posed as having the interests of the working classes at heart would consider the facts to which he had called attention.—(*Western Mail.*)

SIR RICHARD HARINGTON
(late County Court Judge).

When, as sometimes happens, the husband is sober and industrious, and the wife thriftless, the case is a specially hard one. He gives her most of his earnings to keep his house. She spends them in finery or self-indulgence, and goes on tick for the housekeeping necessities. The inevitable County Court summons comes at last. According to the present practice, it is served on her, not on him. She puts it in the fire, comes to the Court pretending to represent him, admits the debt, and agrees to instalments. It is not until these fall into arrear and the judgment summons (which must be served personally) reaches his hands that he knows that he is in debt. No doubt in the majority of cases the debtor is as much to blame as his wife. But in either there is the temptation—the indulgence, whatever it is, to be had without present payment. So it is had without thought of the future. . . . I know that it is said that an interference with the system would prevent the deserving poor from getting credit in times of scarcity of work. I am not without experience, and I do not believe it. I believe that the man who was known to pay when he could would always be trusted in such times, and that the discipline which would compel those who would otherwise be thriftless to pay ready money would be the best cure of their thriftless tendencies.—(*Letter to the Times.*)

HIS HONOUR JUDGE EDGE.

Judge Edge, one of the ablest of our County Court Judges, who has had long experience in two typical circuits—namely, Devonshire and Clerkenwell—has favoured a representative of the *Tribune* with his views. . . . On the question of imprisonment for debt, Judge Edge said:—"This is the most obnoxious part of the duty of a judge. I never commit unless I am convinced that the man has means to pay and won't pay. and I suspend the order at once if he falls out of

employment. I have no sympathy with the travelling jewellers, book hawkers, or tallymen who press their goods upon the working-classes, and who give credit, influenced, no doubt, by the power of imprisoning them if they don't pay. In one case I heard and dismissed a case in which a book hawker gave credit to a servant girl of sixteen for two guineas for a family Bible! In another case I also dismissed, a gold bracelet was sold on credit to a servant girl. But there are some tallymen who are fair. I may say, however, that in Devonshire, in one of my large courts, I had statistics prepared which showed that although tallymen and moneylenders only issued one-third of the complaints, they were responsible for the imprisonment of two-thirds of those imprisoned. I agree entirely with Sir Horatio Lloyd, the doyen of provincial judges, who recently said: 'If I could have consulted my inclination I would certainly have done away with imprisonment for debt long ago'."—(*Tribune*.)

HIS HONOUR JUDGE PHILBRICK.

The County Court Judges had recently conferred together on the subject [of imprisonment for debt], but speaking for himself and not for any of his colleagues, he was strongly of opinion that there was a great need to apply a remedy to alter the present procedure. He did not think it would be satisfactory if the mere powers of committal and imprisonment were taken away; that would be unfortunate. The real remedy would lie in putting the axe to the root of the tree—to make it impossible for any judgment to be given under certain small amounts, whatever the Legislature thought wise, say £10 or £20, and in case of a contract make it impossible for any tribunal to give judgment unless it were proved as a condition that the debt had been incurred twelve months or two years before the judgment. The misfortunes arose from the extension of credit which was given by the tradesmen, who were either too willing or too careless in giving credit, or by the unfortunate system

of the tallyman. Often such debts were incurred without the knowledge of the debtor, who was the husband, and the orders were given and the liability incurred by the wife during his absence. That was a general topic to which he should not have referred publicly, but for the number of judgment summonses and commitments which had been issued in that Court. . . . Although there was a right of law to enforce committals, yet it was certainly never contemplated to have wholesale enforcements of this kind, and he could not help thinking that it was this sort of thing that had directed the attention of so many County Court judges and officials as well as the Legislature to this matter. All he could say was that he should be exceedingly reluctant to make these committal orders. It was not possible for him to say he would not make a committal in any of these cases which had come from people who thus availed themselves of the letter of the law by taking these wholesale proceedings, but he must judge each case on its merits. At the same time, when this kind of thing was resorted to, he should fail in his duty if he did not exercise the utmost astuteness, and a strong and firm resolution to defeat such proceedings as far as the law enabled him to do so. He did not think they ought to be encouraged. This wholesale issuing of committal orders was a great blot on the administration of the law in the County Courts, and matters ought to be arranged so as to proceed more according to the manner which had hitherto prevailed. He exceedingly regretted that it should be found necessary to put in force a wholesale kind of imprisonment in this manner.—(*Bournemouth Directory*.)

HIS HONOUR JUDGE TINDAL-ATKINSON.

Judge Tindal-Atkinson gave further details to an *Express* representative regarding his suggestion that the Statute of Limitations should be reduced from six years to twelve months. "I made the suggestion," he said, "in the interests

of the poor. It is the committal summons that I would like to see abolished for debts incurred more than twelve months before the date of the plaint. In the case of more substantial debtors there is the alternative of an execution, and therefore the period of the statute does not affect them, and I would not alter it except in regard to imprisonment. In common, I believe, with the majority of County Court judges, I would like to see imprisonment for debt entirely abolished. The credit system would then fall as a matter of course. Men earning fourteen shillings a week are frequently allowed to run up debts of £6 simply because the present law gives their creditors such a strong hold by enabling them to send debtors to prison for long-standing debts. By abolishing long credit and imprisonment for debt the co-operative and cash payment systems would be encouraged."—(*Daily Express.*)

"A COUNTY COURT JUDGE"—I.

Is it not time that the abolition of imprisonment for debt should be a reality? To do so would, I think, be a great benefit both to the working classes and to the local tradesmen who supply them. It would put an end to the present system of credit for small trade debts, which is in a great measure the result of the payment of them being able to be enforced by imprisonment upon judgment summonses. If the credit system were got rid of the working classes would have to learn to practise thrift, a quality in which they are greatly wanting, and they would get what they want cheaper, as, at present, they have to pay both for the credit which they have and for the bad debts which are the result of the credit system. Imprisonment for debt having gone, there would go with it the occupations of the buyers of book debts, of the packmen, of the tradesmen who carry on their business by traveling canvassers, of the small money-lenders, and of the other harpies who prey upon the working classes.—(*Letter to the Times.*)

"A COUNTY COURT JUDGE"—II.

It is said that the system is necessary, that the people must have credit, and that many County Court orders could not be enforced without it. The last is probably true, but I am not convinced the world would be very much worse in consequence. Why should a system be necessary in England which is not necessary in any other civilised country? I have taken such pains as a private individual may, to ascertain what is done in other countries. Last Autumn I was in the United States and Canada. In the States I was assured over and over again by judges and lawyers that no such system, and nothing approaching to it, exists in any one of the 44 States of the Union. I have enquired and I cannot find that any system of the kind exists in any one of our Colonies, or in France or Germany. There may be such a system in Russia, but if there is we need not copy Russia in this respect. In Scotland there is a system, but far less oppressive than in England, and Ireland has the same system as England, but the County Court judges there comparatively rarely put it in force. I have many times asked why England must have a system which no other civilised country needs, and so far I have never heard an answer. Surely putting people into prison because they do not pay their debts is not a desirable system unless it is necessary.—(*Letter to Commercial Intelligence.*)

MR. REGISTRAR WHITELOCK.
(Court of Bankruptcy, Birmingham.)

You are, no doubt, correct in stating that the majority of those who have practical experience of the working of the present system are of opinion that imprisonment for debt should be abolished. For the moment, however, it seems impossible for the Legislature to find time to pass even the simplest measure of County Court administrative reform, and the prospect of any alteration of the Debtors Act, in the face of opposition from the large trading interests affected, certainly appears remote. The practical ques-

tion is, therefore—Can anything be done without legislation to still further diminish the number of unfortunates who year by year serve a term of imprisonment through sheer inability to find the necessary money for their release? I venture to think that it can.—(*Letter to the Law Times.*)

MR. C. M. ATKINSON

(Stipendiary Magistrate for Leeds).

It has been remarked more than once that a debtor often finds himself in a worse plight than if he had stolen the articles for the price of which he is sued. With a good character he would probably have escaped imprisonment altogether under the First Offenders Act, while if he were fined for the theft, with an alternative of imprisonment, he would be entitled during his confinement, on paying any part of the fine, to have the term of imprisonment reduced by a number of days bearing a direct proportion to the amount so paid in part satisfaction. The Act of 1869 confers no such right on an imprisoned debtor.

As may well be supposed, the consequences of incarceration are, in many cases, disastrous; gone, indeed, are the horrors of imprisonment for debt, but some of its worst evils are still with us. The wife and children are often forced to seek the shelter of the workhouse; or, to avert this dreadful calamity, the woman, in her husband's absence, chooses rather to become a wanton. Such has been the beginning of many a life of shame. On his release from custody, the man is rarely able to resume his old employment, and it is generally difficult for him to secure a fresh engagement; his home is now broken up and his downfall is complete, while all this ruin has been brought about at the public charge, except in so far as the burden, in the shape of heavy Court fees, has fallen on the shoulders of the injured creditor.—(*Law Magazine and Review.*)

THE RECORDER OF DUBLIN.

Mr. T. L. O'Shaughnessy, the Recorder of Dublin, addressing Mr. Gerald Byrne, as the senior member of the Sessions Bar, said:—

"In my judgment the exceptions contained in the Act of 1872* (under which the right to imprison for debt was abolished) were intended to deal with a class of cases where a debtor having means to discharge his debt in whole or part refused to obey an order directing him to do so. The order for payment can and ought only to be made on satisfactory evidence of real ability to pay the debt, and the order of committal should only be made on neglect or refusal to do what the debtor could and ought to have done. The true nature of the jurisdiction is the enforcing of honesty from a man who, with power to pay, contumaciously neglects or refuses to obey an order directing him to pay. The orders under this Act are not mere modes of execution, and were never intended as a sort of prospective security for the payment of debts allowed to be contracted with a view to their use. They are the simple enforcement of honesty on roguish debtors. The position of the law at the date of the Act of 1872 was that from 1848 (11 and 12 Vic., cap. 28), a debt under £10 of any Court was not enforceable against the body of the debtor, and when that limited provision with all others dealing with the right to imprison were swept away, it never could have been intended that the substituted imprisonment should be other than punitive or exercisable in any mode, or for any purpose other than I have indicated."—(*Irish Law Times.*)

MR. GERALD BYRNE.

At a meeting of the Incorporated Law Society of Ireland (May, 1904), Mr. Gerald Byrne pointed out that the "Abolition of Arrest for Debt" Act contained a clause that if a person had means to pay he could be ordered to pay, and

* The Irish Debtors Act of 1872 is almost identical with the English Debtors Act of 1869.

in default of payment be arrested and confined in prison for six weeks.

"But surely it was never intended that a man working for a precarious and uncertain daily or weekly wage should be dealt with under the exempting sections. He said such was never intended, and in Green Street (The Court of Record, Dublin), at each sessions, they have had 60 or 80 such cases brought in. If a man with a wife and two children earned about £1 10s. to £2 a week, what has he over the sum necessary to keep himself dressed and fed decently to enable him to perform his employer's business, and have a decent appearance, and to feed, clothe, and house his family? He (Mr. Byrne) said he had nothing, and traders should not be encouraged by judges to give credit to artisans or their wives or such classes upon the security of the Debtors Act, which was intended to be, and is called an Act for the 'Abolition of Arrest for Debt in Ireland,' but which, he thought, should be called an Act to extend imprisonment for debt to all classes of debt."—(*Irish Times*.)

MR. J. S. MERTON.

Few lawyers in London have had a larger experience of the system than Mr. J. S. Merton, who for eighteen years has practised at the Westminster County Court. "My experience has convinced me that imprisonment for debt ought to be abolished," Mr. Merton told an *Express* representative. "It is an unjust system for poor people to go to prison while rich people get off. The wrong people suffer. The rich man who goes into court and commits perjury goes free, while the poor man who tells the truth often goes to gaol. The judges have to act on the evidence, and I have heard a debtor swear he has only £2 a week when to my own knowledge he has £500 a year. I have known a man swear he has only £3 10s. a week when, in fact, he lives in a house rented at £120 a year, and lives like a lord. But the judge does not know

this, and, having to act on the evidence, he makes no order of commitment. On the other hand, tradesmen allow poor people to run accounts without making proper inquiries about them, and employ tallymen to go round and sell goods to women, with the result that people who really have no money are sent to prison. It is absurd to talk about imprisonment for contempt. What does the judge care whether the debt is not paid? The only person who is interested in sending the debtor to prison is the man who hopes to get his account settled. Let the whole thing be done away with, and tradesmen will only have to be more careful. Great hardships are inflicted on large numbers of poor men whose wives are got hold of by the tally system. In order to escape gaol the men often go to the moneylender, and once they get in his power they go on paying for years, and still find themselves in debt. The present system of giving credit and of imprisonment for debt simply results in hardship for the poor, while the rich escape."—(*Daily Express*.)

MR. FRED. WETHERFIELD
(Solicitor).

In some County Court circuits very few debtors are imprisoned, because there the judges administer the law fairly, and this provides that no such order shall be made unless the debtor is proved to have means with which to pay. There are, of course, very few committals of the poor. But in other circuits the judges proceed upon what is known as "The Screw System," and make orders of committal without any real evidence of means, but relying upon the debtor finding the money somehow through his friends, or the small money-lender. In this way the wretched credit system under which so many of the poor live is maintained by the sanction of the gaol at the back of it. It is an utterly vicious method, and if this power of imprisonment were finally abolished it would entirely disappear.—(*Weekly Times and Echo*.)

MR. E. H. PICKERSGILL, M.P.

Many persons believe that the Legislature abolished imprisonment for debt years ago. They will be surprised to learn that under the existing law a man ordered to pay £2 by instalments of five shillings each might spend a year in prison, and then find the debt still in existence and increased by costs! If imprisonment for debt is to continue, there can be no reason why the cost of maintaining the imprisoned debtor should be defrayed by the State. The creditor who chooses to indulge in the luxury of putting his debtor in prison should be required to pay for it. But public opinion seems to be rapidly forming in favour of the abolition of imprisonment for debt altogether, especially as it appears to exist mainly for the benefit of moneylenders and tallymen.*—(*Morning Leader.*)

MR. JOHN DILLON, M.P.

A debtor was said to be sent to prison for contempt of Court; but that was a pretext, for he was really imprisoned for his refusal to pay a debt which the Court thought he ought to pay. No man who was not guilty of a crime ought to be kept in prison, and failure to pay a debt was not a crime. If a man were guilty of the fraud of not paying a debt which he was able to pay, he ought to be proceeded against for fraud; but a man ought not to be sent to prison simply for the failure to pay a debt which the Court thought he was able to pay. There could be no doubt that under the new prison rules persons in prison for debt had been reduced to the *status* of criminals; and, therefore, a most retrograde step in the treatment of prisoners had been taken under an Act which was passed for the purpose of ameliorating the condition of prisoners.—(*Times.*)

* Mr. Pickersgill might have added debt-collectors and debt-purchasers—two classes of speculators who earn their living by means of the law of imprisonment for debt.—J. C.

MAJOR ARTHUR GRIFFITHS.

The number of debtors was always large at York on account of the widespread practices of "menage men," as they were called. These were hawkers or packmen who perambulated the country districts tempting weak housewives to buy goods on credit. They caught the easily-beguiled female with some showy piece of stuff and most obligingly offered it on credit or to be paid for by instalments. The purchase was kept secret from the breadwinner, and when the inevitable demand came he was still unaware of the debt. The reckless wife would conceal the County Court notices served on her husband, and it happened not uncommonly that the poor man's first knowledge came upon him with the shock of arrest.* I have seen men brought in by the bailiffs just as they had been taken—railway porters in their uniform hauled off from the platform and policemen from their beats.—*(From "Fifty Years of Public Service.")*

* In civil suits it is usually sufficient to serve a notice on an inmate of the house aged sixteen or upwards (and the Courts do not seem to make any careful inquiry as to whether the defendant was really residing at the time in the house where the notice was served). Hence the man's wife may be served when he is absent and he is bound by this service. Surely where neglect may be followed by arrest and imprisonment the Courts should insist on *personal* service. No change in the Statute Law is required for this. The County Court Rules should do it.—Joseph Collinson.

SOME OPINIONS OF THE PRESS.

(The Times.)

. . . . The probability is that the majority of County Court Judges, if questioned as to the utility of the system which they administer, would be found to be opposed to it. They might eulogise it as an excellent system of debt collecting, and might testify that it brought to a certain class of tradespeople large sums which but for it would be lost. But, if we are not much mistaken, the weight of judicial opinion would be adverse to it as conducive to extravagance, especially on the part of the wives of the working people. It is usual to condemn the system because it fills our prisons with a class of persons who are not all, properly speaking, criminals, and who ought to be kept as far as possible from contact with the true criminal classes. It is certainly remarkable that, though imprisonment for debt is nominally abolished, the number of debtors has been in some recent years larger than it was before the so-called abolition, that it is now about twice as large as it was about twenty years ago, and that the increase is out of all proportion to the expansion, no doubt great, of County Court business during that time. These facts suggest that more and more the committal order is used for purposes for which it was not intended, and that it is the pivot of a system of credit which in the long run does harm to those whom it seems to benefit. The usual justification of it is that it enables workmen in time of distress to get along until prosperity returns. "I do not believe it," is Sir Richard Harington's comment upon this unsubstantial defence. Nor do all of those who put it forward really believe it. The system is, in fact, used, not so much for procuring on credit necessities as superfluities, or in order to obtain on

credit what the debtor could well have afforded to pay for with ready money.

(The Standard.)

In view of this state of things, Mr. Collinson, of the Humanitarian League, is strongly urging upon the Home Secretary the advisability of abolishing imprisonment for non-payment on the order of the Court, except in cases which involve fraud or misconduct. Failing abolition, which, of course, would involve fresh legislation, Mr. Collinson is asking the Home Secretary to revert to the state of things which obtained prior to the Prisons Act of 1898. Debtors committed to prison by the County Courts were then treated as a special class, whereas now they are classed with the ordinary misdemeanants and treated as criminals. This state of things the Home Secretary has, under the Act of 1898, power to remedy, as he may make a new rule which would re-establish the former system. In Scotland there is no imprisonment for debt. The effect of this has been found to be to put an end to the indiscriminate giving of credit. In England tradesmen and "tallymen" give credit broadcast, because they know they have behind them this power of imprisonment—virtually for debt. The poor, hardworking people suffer in many cases through this indiscriminate giving of credit. Working men and their wives, servant girls, and others in humble positions are tempted to buy luxuries—clothes or jewellery—beyond their means at exorbitant prices, and then the money is extracted from them by the terror of the County Court being held over them. In Ireland the law is very similar to that in England, but, in both countries, many of the County Court Judges favour some modification in behalf of the debtor.

(The Westminster Gazette.)

In a letter to the Home Secretary, Mr. Joseph Collinson, on behalf of the Criminal Law and Prison Reform Committee, calls attention to what is a serious defect in the law. The plain intention of the Debtors Act of 1869 was to abolish imprisonment for debt. There are, however, certain exceptions under the Act which go very much further than were ever intended, and have had the

effect of increasing committals for debt until the total last year reached 11,000, the amounts for which men were sent to prison being frequently very small. Of course the point is taken that the committal is not for obeying an order of the Court, but the effect is precisely the same as if the debt were discharged by the serving of a term of imprisonment.* As Mr. Collinson points out, borrowing a small sum of money may have more serious effects than stealing the same amount. The whole system of imprisonment for debt is thoroughly bad. It imposes a heavy tax upon the State and the ratepayer, it prevents the payment of the debt itself, and it too frequently starts an unfortunate man on the path to the "unemployable" class.

(The Law Times.)

It is only too true that this system is, in practice, a system of collecting debts from the wage-earning class, and the bulk of those against whom orders are made are working men. It is absolutely indefensible on many grounds. . . . An amendment of the law in this direction is urgently necessary, even if it is not possible to immediately abolish imprisonment for debt, which is well described as "grave social wrong."

(The Speaker.)

The necessity for an inquiry into a question so closely affecting the well-being of the toiling classes is, in our opinion, indisputably urgent; and we trust the operation of these laws, as well as the serious problems that have arisen in relation to imprisonment for debt, will receive the fullest consideration of the Committee on Bankruptcy Laws. . . . It seems imperative to devise some remedy, whether by imposing direct checks on the credit system, by improvements in the procedure of the County Courts, by fixing a limit on the amount for which imprisonment may be inflicted, or, as more than one judge now insists, by complete abolition of the detention of debtors innocent of actual fraud.

(The Spectator.)

The *Times* of Tuesday contained a letter ad-

* This is an error. The imprisonment is no discharge of the debt, which is, on the contrary, increased by costs.—J. C.

dressed to the Home Secretary by the hon. secretary of the Humanitarian League on the subject of imprisonment for debt. The Debtors Act of 1869 gave to County Courts jurisdiction to commit any debtor "who either has or has had since the date of the order or judgment the means to pay the sum in respect of which he has made default." Now, "however honest a man may be, if he has not money enough to pay all his debts, he must leave some unpaid," and the most innocent of people may come within the words of the Act. Moreover, as "A County Court Judge" points out in the same issue, many Courts use the Act as a kind of screw to compel the friends of the debtor to pay for him. During last year 11,405 persons were sent to prison for inability to pay their debts, and of these 7,851 served the whole term of their sentence. We entirely agree with these correspondents that it is time to get rid of the anomaly which allows a man to lose his character for a debt of a shilling, and plays into the hands of money-lenders, packmen, canvassers, and the "other harpies who prey upon the working classes."

(The Saturday Review.)

We hardly think it likely that the Home Secretary will respond to the appeal that has been made to him by the Humanitarian League to repeal the Debtors Act, 1869. But there are certainly County Court Judges of much experience who think it would be better, both for the working classes and tradesmen, if civil debts ceased to be collected by what is practically the operation of the criminal law. There are annually eleven or twelve thousand persons kept in prison for civil debts, and the ratepayer or taxpayer has to bear the expense of their maintenance. The law is very unequal; some judges administer it strictly, if not harshly, and others have what may be almost described as a conscientious objection to it. A good case can be made out against the system; and it is an anomaly that, although imprisonment for debt has been technically abolished, there should always be more debtors in prison, though for shorter periods, than there used to be under the old law. Moreover, Scotland can carry on its trade without these judgment summonses; and it is a fair inference that England might do the same.

(Solicitors Journal.)

The fact that over 11,000 persons during 1905 underwent imprisonment for debt naturally raises the question whether there can be any good results from the system to counterbalance its obvious disadvantages. The honorary secretary of the Criminal Law and Prison Reform Committee of the Humanitarian League, Mr. Joseph Collinson, has made it the occasion for a letter to the Home Secretary urging the reconsideration of the provisions of the Debtors Act, 1869. Mr. Collinson, in the letter referred to, points out that the Debtors Act, 1869, has had the effect of extending imprisonment for debt in a manner probably not contemplated in Parliament. Formerly, there was a restriction to cases in which the debt amounted, without costs, to £20. At the present time that restriction does not exist, and the possibility of sending working men to prison for small debts is said to account for the present statistics. And while the provisions of the Debtors Act are based on the assumed moral delinquency of the debtor in refusing to pay when he has the means, their real object is not to punish the debtor, but to collect the debt. They turn the County Court into a vast debt-collecting agency, and the resulting system of credit, though it may have its conveniences, is probably on the whole detrimental to the real interests of society. In many instances, the debt is collected, but almost always, Mr. Collinson suggests, by the debtor borrowing the money or otherwise incurring new liabilities to an equal or greater amount, and such a change of creditors does not appear to be any gain to the public.

(Lancet.)

It is notorious that the process of the Court intended to be applied to those who wilfully disobey—those, in short, who can pay but will not—is abused; it becomes the means by which the “screw” is put upon persons who, under its action, can obtain money by borrowing it or by appealing to the sympathy of relatives better off than themselves. The system undoubtedly leads to lying and perjury in the County Court; it tends to demoralise those who go to prison, and their

families, when they probably have to go to the workhouse; it is costly to the public; and it benefits principally those persons who can use it as a method of terrorising their debtors. There are two sides to the question and the small trader requires protection from dishonest customers, but at the same time many contend with reason that the abolition of all imprisonment for debt, or its retention only for those cases where the debtor clearly and beyond question is defying the Court, would have a beneficial effect on the community. It would cause cash payments to be insisted upon, or the exercise of self-denial on the part of the would-be purchaser, who, in existing circumstances, is tempted to increase his difficulties by purchasing upon credit. The committal to prison in a year of 11,000 persons who have committed no crime is a grave matter for medical men to contemplate, and a House of Commons in which the working man is largely represented should find time to give serious attention to the recently issued County Court Returns. Prison is prison whatever the reason may be which causes the detention; and in the long run many prisoners connote many miserable homes, much privation, and much disease. The sequence is a fairly direct one.

(Rapid Review.)

Upwards of 11,000 debtors were imprisoned in the year 1905, under the Debtors Act of 1869—not in separate prisons, but along with criminals, and treated as criminals. This fact is taken as the text of an open letter by Mr. Joseph Collinson, of the Humanitarian League, to the Home Secretary. The case for the need of reforming debtor's law is clearly proved. . . . The Debtors Act had as its great object the abolishment of imprisonment for debt; but, unfortunately, it conferred a new power of imprisonment on the Judges, which has never been fully considered by Parliament. The object of the Statute is not to punish debtors, but to collect the debt. This object imprisonment naturally defeats, except when money is borrowed to pay the debt, which leaves the debtor in the same or in a worse condition than before.

(Truth.)

Some remarkable figures relating to imprisonment for debt are given in the last published County Court Return. During 1905 the total number of debtors imprisoned on judgment summonses in the County Courts was 11,405, and of these no fewer than 7,851 served their full term. Both figures have been steadily rising since 1900, when the committals numbered 7,890, and 4,692 of the prisoners served their full term. This increase, moreover, has been out of all proportion to the increase in the number of the judgment summonses heard. Another instructive feature of the return is the amazing disparity it exhibits in the practice of different judges. For instance, in No. 2 Court (Durham, etc.), 19,670 actions were determined, and the number of debtors imprisoned was 28; whilst in No. 15 Court (York, Ripon, etc.), where the actions numbered 22,296, no fewer than 471 debtors were imprisoned, 343 of them serving the full term. Summing up a series of such comparisons, a *Times* correspondent says that, roughly speaking, the figures show that in some districts one defendant is imprisoned in every 700 or 800, while in others the proportion is one defendant in every 47, or 33, or 25. Differences in the circumstances and character of the population might account for some variation in the figures from different courts, but such enormous discrepancies as those revealed by the return must be largely attributable to the fact that some judges are much more ready to commit debtors than others. The time has arrived when there should be an inquiry into the whole question of imprisonment for debt. It is a practice that has been increasing, and, in my opinion, ought to be wholly abolished.

(Justice.)

We are glad to see that the Humanitarian League, which has already rendered good service in its agitation against flogging in the Navy and other inhuman practices, has commenced a campaign against the present law of imprisonment for debt. Cases of the most cruel persecution under this law have come to our knowledge. The present system is in many respects worse than the old, as there are no separate prisons for debtors, so that these are imprisoned with criminals, and

treated as criminals; while it is generally admitted that imprisonment for debt is both useless and cruel; or, at any rate, useless when it is not cruel, and cruel when it is not useless.

(The Tribune.)

For more than a generation it has been a common saying that imprisonment for debt is abolished, yet there are more debtors consigned to gaol at the present time than there were in the days of John Howard. That imprisonment for debt should still be inflicted does small credit to our civilisation, and when, as often happens, it is dispensed with little regard for the circumstances of individual cases, the scandal of the thing is heightened. It would not be so bad if only those who can pay and will not were dealt with, but even in such cases there should be other and more appropriate ways of exacting the dues of society. And, on the other hand, to imprison a man who really cannot pay is sheer barbarity. The stigma of gaol lowers his self-respect, and diminishes his chances of earning the money which he would gladly pay. We referred in these columns to the case of a working man, unemployed for nine months, who was sentenced for a paltry debt of 25s., due to an industrial school for the maintenance of his son. There must be many prisoners in London gaols to-day whose sufferings are no less undeserved and no less senseless.

(Daily News.)

We cordially agree with Judge Parry's condemnation of the system of imprisonment for debt. Theoretically it was abolished long since and debtors are only supposed to be imprisoned now for wilful refusal to pay a debt that they could pay if they would. . . . In many cases the imprisonment of a man is used by the creditor as a lever to make his relatives pay a debt for which they are neither legally nor morally liable. The man is, in effect seized for debt, and held to ransom in the old way described in "Little Dorrit." It is true that these cases are but a fraction, that no Judge would knowingly countenance them, and that a short imprisonment automatically wipes off that portion of the debt on account of which it is inflicted. But even in a week the debtor has lost

his place in the ranks of industry, and is worse off by a much larger amount than the sum for which he was imprisoned. By undergoing such a test he has proved to most minds that he was not a contumacious debtor, and therefore ought not to have been punished as such.

(*Daily Mail.*)

Imprisonment for debt, so far from being abolished by the Act of 1869, has actually increased, until, as the *Law Magazine* says, there are more debtors consigned to gaol at the present time than there were in the days of John Howard. The present practice of the County Court has created a vast class of commercial harpies, whose quarry is the labouring man, the class which can afford the fees of the Bankruptcy Court easily obtaining relief from its creditors. "If we had our way," says the writer of a leading article in *Commercial Intelligence*, "the law would be so strengthened that the swindling company promoter, the fraudulent bankrupt, and the disappearing suburbanite would be sure of getting richly-deserved punishment; but we agree with Judge Parry that the rich debtor and the poor debtor are unequally treated by the law." The whole of this system of credit is built on the fact that the creditor can threaten the small debtor with that committal order which is imprisonment for debt.

(*Morning Post.*)

There is a circumstance connected with this subject which affects the public as distinct from the individual, and that is, that an imprisonment of a breadwinner, by bringing a family into poverty, tends to throw their maintenance on the public rates or on private charity, and tends also to increase the hopeless and wastrel class, which is so much felt to be a public shame and danger. The thing is almost ridiculous when put into words. An individual gives credit in order to serve his private ends, whereupon the law strains every possible point in order to act as his debt collector, and the public takes upon itself the charge of maintaining the debtor, his wife and family, for, perhaps, the rest of their lives. A small reform, at least, might be made, that if a creditor desires the luxury of imprisoning a debtor he shall be

obliged to take the charge of the latter's wife and family until the debtor's period of detention is over. Why should the public take this burden? The creditor can relieve himself by refusing to give credit.

(Morning Leader.)

There is grim irony in the thought that under the present system of debtors' law borrowing 10s. may involve a heavier penalty than stealing it, provided that the thief is a person of previous good character and was in want at the time. We have no separate prisons for debtors, so that those debtors were imprisoned along with criminals and treated as criminals. A good deal of active sympathy should go with the Humanitarian League in the effort for which they are preparing to obtain some modifications of the Debtors Act of 1869 and the corresponding Irish Debtors Act of 1872.

(Church Family Newspaper.)

Popular delusions die hard. One of the most persistent is the idea that imprisonment for debt was entirely abolished in the middle of the Victorian era, mainly owing to the effect on popular opinion that was created by the Marshalsea scenes in Dickens's "Little Dorrit." It is true that special debtors' prisons are done away with, but debtors may still go to gaol, and the latest County Court Returns show a remarkable increase. It is desirable that there should be greater uniformity in the practice of County Court Judges. On one circuit only twenty-eight debtors were sent to prison, while on another circuit, where the number of complaints was about the same, the committals were 401.

(John Bull.)

If the real interests of the people were really looked after in Parliament the law as it relates to imprisonment for debt would not remain as it is for a month. It was the intention of Parliament to abolish imprisonment for debt; instead, people are sent to gaol every day because they cannot satisfy their creditors. And most of these debtors are small men, without means, whose families must starve whilst they are in prison.

(Weekly Times and Echo.)

A law court of any sort should simply decide the

question of indebtedness; it should not be degraded into a small debt collecting machine for the benefit of loan societies, tallymen, credit shopkeepers, and others who thrive on the follies or necessities of the masses. . . . The habit of going into debt for small sums is increasing by leaps and bounds among the working classes. Judge Parry cites one case where a working man's wife was dealing, on credit, of course, with nineteen Scotch drapers. If these enterprising people find business of that sort pay, and no doubt it does, let them do it at their own legitimate risk. They have no right—in these days when we are told imprisonment for debt is abolished—to wrest the power of the Courts, thus to coerce their debtors. It is simply this reliance on the committal order that encourages this evil extension of the credit system which encourages extravagance, and often places the breadwinner of the family at the mercy of any artful tallyman who can talk the wife over. The obvious remedy will be sought at an early date by the legal advisers of the new Government.

(Hull Times.)

The system of credit which the late Judge Raikes was so much opposed to, is the subject of some very severe animadversions by Mr. C. M. Atkinson, the Leeds Stipendiary Magistrate. . . . We are strongly of opinion that something is needed in this country in the nature of the Homestead Laws in America, where a certain amount of property is safe from the creditor. A family without home or shelter is on the way to ruin. They become the prey of extortionate money-lenders, and their ever-downward step is helped by harpies. Of course, with a homestead law in operation, credit would be hard to obtain, but it is anything but a kindness to allow impecunious persons to get into debt beyond the possibility of retreat. First, the furniture, then the clothes descend into the gulf, and soon the family unit is broken up. It is to the interest of the State that the family unit should be preserved no less than the individual health, and when our legislature has time to attend to the recommendations of our executive officers, perhaps something may be done.

(Birmingham Gazette and Express.)

On the general principle public opinion has declared itself unmistakably. Imprisonment for debt is a survival of a draconian legal code which punished poverty as a crime, and which should have been suppressed long ago. We are disposed to hold that total abolition would be the best course in the interests of all concerned.

(Glasgow Herald.)

The rule of the bad, old days, that the debtor became his creditor's slave, was fair and logical in this respect, that the creditor had to maintain the debtor, whether he was worth his keep or not. And if a short Act were passed, to the effect that the creditor must bear the expense of his debtor's detention, imprisonment for debt would cease to exist. That may be a remedy too Gilbertian for the jurist and the Parliamentarian, though it was seriously put forward in the House of Commons nearly forty years ago. But until imprisonment for debt is abolished by this means, or by a more direct enactment, the law of England must remain not only "a little behind the times," but twenty-five years behind that of a country which takes a view of the relation of debtor and creditor not only more humane, but more in accordance with a shrewd appreciation of what is due to the public interest and to evenhanded justice, standing as between the rich defaulter and the petty debtor.

(South Wales Daily News.)

Many will be surprised to read the figures quoted by Judge Owen as to the number of persons imprisoned for debt, notwithstanding the assurance we were given by our legislators a few years ago that imprisonment for debt was abolished in this country. A day will come, no doubt, when the State will refuse further to help the tradesmen who have not the necessary moral backbone to say "No" to customers who are habitual non-payers.

(Newcastle Daily Chronicle.)

It seems monstrous that a debtor should be liable to an indefinite number of terms of imprisonment without purging his debt thereby. It must be remembered, too, that imprisonment for debt

is no mere formal affair; it means that a debtor is detained in a gaol and that, with the exception that no hard labour is imposed upon him, he is treated like any ordinary criminal.

(East Anglian Daily Times.)

It is questionable, however, whether it is to the advantage of the State to keep up a costly system of debt-collecting, when the expense of imprisoning 11,000 debtors annually has to be borne by the taxpayer. The County Court Judges would be only too glad to get rid of this unenviable jurisdiction, which involves much time and consideration. If imprisonment for debt were abolished small traders would have the remedy in their own hands by insisting on dealing for cash only, or at all events by not allowing their debtors to pile up too long an account. The cash system has many advantages for small traders. It obviates bad debts, and, in the long run, is for the benefit of the consumer, who can buy cheaper where a general cash system is in operation. In any case, the law ought not to tolerate a system which encourages traders to give long credits to people who can only be terrorised into payment by a threat of imprisonment at the cost of the State.

(Western Morning News.)

Then there is the question of the debtor prisoner. Some of them went into durance vile because they were poor—had not the money. That may be true of only a small portion, because "friends" will often come to the rescue; but there it is. And to show what happens to one who has once accepted lodging at one of his Majesty's establishments, a man went before a magistrate this week stating that he had served three months for stealing a loaf of bread, and since he was liberated two weeks ago he could get no work and was destitute. When thousands of unemployed are unable to get jobs, what chance has a gaolbird? Yet the prison mark is imposed all too lightly, if one may judge from the length of the sentences.

(Northern Echo.)

We are glad to see that the Humanitarian League has taken up the question of imprisonment for debt. The mischief of such a system is apparent,

and it is not the dishonest debtor who feels it most acutely. "Borrowing ten shillings under the present system," Mr. Collinson points out, "may involve a heavier penalty than stealing it, provided that the thief is a person of previous good character, and was in want at the time." Such a system has plainly got to go.

(Huddersfield Chronicle.)

Much may be said in favour of making the abolition of imprisonment for debt a reality, and the grounds on which this contention may be based are stated with force and moderation in a letter which has been addressed by the Humanitarian League to the Home Secretary.

Criminal Law and Prison Reform Publications.

"The Death Penalty." By HYPATIA
BRADLAUGH BONNER. *3d. net.*

"Facts about Flogging." By JOSEPH
COLLINSON. *6d. net.*

**"The Ethics of Corporal Punish-
ment."** By HENRY S. SALT. *2d.*

"Corporal Punishment in India."
By Sir HENRY COTTON, K.C.S.I., M.P.
1d.

"The Treatment of Prisoners."
By the Rev. W. DOUGLAS MORRISON,
LL.D. *2d.*

"A Plea for Mercy to Offenders."
By the late C. H. HOPWOOD, K.C.,
Recorder of Liverpool. *2d.*

HUMANITARIAN LEAGUE,
53, CHANCERY LANE, LONDON, W.C.